

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, September 30, 2004**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, September 30, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Arthur Blackwell, II  
Erminia Ramirez  
Jim Holley  
Megan Norris **(ABS)**  
Willie Hampton **(ABS)**

##### **Department Personnel Present**

AC Walter Shoulders  
AC Harold Cureton  
Cmdr. Craig Schwartz  
Cmdr. Herbert Moreland  
Cmdr. Walter Martin  
Cmdr. Willie Burden  
Cmdr. Scott Khols  
Cmdr. Ralph Godbee  
Insp. Jamie Fields  
Insp. Walter Long  
Lt. Michael Lee  
Sgt. Debbie Jackson  
Sgt. Omar Feliciano  
PO Mike Woody  
PO Glenn Woods

##### **Board Staff Present**

Dante' L. Goss, Executive Director  
E. Lynise Bryant-Weekes, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator

##### **OTHERS PRESENT**

Ron Scott  
Star Ellen Carter  
Rodney McDuffy

Gloria Canales  
Bonnie Mitchell

## **RECORDERS**

Jerome Adams  
Kellie Williams

### **1. CALL TO ORDER**

**Vice-Chairperson Ramirez** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:14 p.m.

### **2. APPROVAL OF MINUTES**

#### **♦ Thursday, September 23, 2004**

**MOTION:**     **Comm. Holley** made the motion to approve the above Minutes.

**SECOND:**    **Comm. Ramirez** seconded the motion.

**VOTE:**        All in attendance voted in the affirmative.

### **3. REPORT FROM THE CHAIR**

**Chairperson Blackwell** asked for a moment of silence for the incident that occurred three days ago at the Day Care Center.

## **PROMOTIONS**

The Board of Police Commissioners received the following letter:

September 21, 2004

Board of Police Commissioners  
1300 Beaubien, Suite 328  
Detroit, Michigan 48226

*SUBJECT:*   **RECOMMENDATION FOR EXECUTIVE APPOINTMENTS**

Dear Board Members:

As you know, the leadership of the Detroit Police Department is a major focus of my review and assessment of the department. I am committed to providing our citizens, businesses and visitors of the city of Detroit with the highest degree of professional police service. As the Police Chief, I must ensure that the operation and administration of the Department function with the highest level of proficiency, which is not possible without qualified leaders in place.

The management positions are demanding and must be staffed by innovative, skilled and proven leaders who have demonstrated a commitment to, and a belief in serving the community.

Therefore, I am submitting for your consideration the following executive appointments to the rank of Deputy Chief and Inspector:

#### **APPOINTMENT TO THE RANK OF DEPUTY CHIEF**

Commander Craig W. Schwartz assumed the responsibilities of Deputy Chief of the Criminal Investigations Bureau on August 2, 2004. His duties consist of providing direction and leadership to the Major Crimes Division and the Organized Crime/Gang Division. He is tasked with ensuring the proper assessment, dissemination and coordination of investigative and enforcement efforts within the Department.

Prior to his current role, he has worked various assignments throughout the Department, including the Major Crimes Division, the Homicide Section, the Headquarters Surveillance Unit, the Commercial Auto Theft Section, the Eleventh Precinct, and the Tenth Precinct.

Since joining the Department on February 16, 1993, Commander Schwartz was promoted to the rank of Investigator in 1995, the rank of Sergeant in 1996, and the rank of Lieutenant in 1999. He was appointed to the rank of Inspector in 2002 and to the rank of Commander in 2003.

Commander Schwartz is a graduate of the Federal Bureau of Investigations National Academy and of the Eastern Michigan University School of Police Staff and Command. He holds a Bachelor of Science Degree in Criminal Justice from Madonna University, and is currently completing a Master's Degree in Interdisciplinary Technology from Eastern Michigan University.

Commander Schwartz is trained in the following areas: Domestic Violence and Crisis Intervention; Domestic and International Terrorism; Police Crime Prevention; Impact Weapons; Firearms Instructor School; Child Abuse

Investigative Techniques; Incident Command System; Managing the Detective Unit; Community Policing, Public Perception; Interview and Interrogation; Crisis Communication; and Hostage Negotiation.

Commander Schwartz served on the Department's Underwater Recovery Team for six (6) years. Also, he has lectured at Wayne State University in a variety of subjects. He possesses a wealth of knowledge and experience, as well as being highly trained and educated.

Commander Schwartz has clearly demonstrated his capacity to function at a higher level and his staunch commitment to the citizens of the city of Detroit. His experience, knowledge, and proven talents complement his performance as he continued his elevation through the ranks. He meets the qualifications of the leadership needed to *"Grow Detroit."*

**MOTION:**     **Comm. Holley** made the motion to approve the appointment to the rank of Deputy Chief.

**SECOND:**     **Comm. Ramirez** seconded the motion.

**VOTE:**        All in attendance voted in the affirmative.

#### **APPOINTMENT TO THE RANK OF INSPECTOR**

Lieutenant Michael Lee is currently serving as the Commanding Officer of the Gang Enforcement Section and has been since November 1, 2003. He is charged with the enormous task of providing oversight, direction and day-to-day management to the Gang Enforcement Section.

He has worked a myriad of assignments, such as the Special Crimes Section, the Narcotics Enforcement Section, the Carjacking Task Force, the Ninth Precinct and the Fourth Precinct.

Lieutenant Lee is a graduate of the Northwestern University Traffic Institute School of Police Staff and Command. He holds a Master's Degree in Business Administration from Cornerstone University.

He is trained in the following areas: Hazmat Awareness Level; Administrative Empowerment; Rapid Deployment of Patrol Officers to High-Risk Incidents; Tactical Narcotics Training; Summary Reporting System; Neighborhood Housing Services; The Rave Culture and Indicators of Drug Use; Violence Prevention; and Grant Project Director Training.

Lieutenant Lee, a person of great character, takes pride in meeting the Department's goals and objectives with enthusiasm and integrity. He has proven that he is dedicated to the mission of the Department and to the citizens

of the city of Detroit, and his ability to function in a higher capacity is proven by his performance at the Gang Enforcement Section.

Commander Schwartz and Lieutenant Lee have negative disciplinary histories. I am asking your concurrence in these executive appointments to the ranks of Deputy Chief and Inspector, effective September 27, 2004.

**MOTION:**     **Comm. Ramirez** made the motion to approve the appointment to the rank of Inspector.

**SECOND:**    **Comm. Holley** seconded the motion.

**VOTE:**       All in attendance voted in the affirmative.

Should you have any questions, please do not hesitate to give me a call at 596-1800, Monday through Friday, 9:00 a.m. to 5:00 p.m.

Sincerely,

**ELLA M. BULLY-CUMMINGS**  
Chief of Police

EMB-C/dvj

**4. SECRETARY'S REPORT – EXECUTIVE DIRECTOR GOSS**

**CITIZEN COMPLAINTS RECEIVED**

|   | <b><u>This Week</u></b> | <b><u>Year to Date</u></b> |
|---|-------------------------|----------------------------|
| <b>2004 - Weekly Count of Complaints:</b> | <b>29</b>               | <b>1,247</b>               |
| <b>2003 - Weekly Count of Complaints:</b> | <b>28</b>               | <b>983</b>                 |

**5. REPORT/PRESENTATION – CHIEF OF POLICE**

**DETROIT POLICE DEPARTMENT**

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**REPORT TO THE  
BOARD OF POLICE COMMISSIONERS**

*Vision Statement*

**BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.**

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

**SPECIAL ENFORCEMENT ACTIONS**

During the period of September 22<sup>nd</sup>–28<sup>th</sup>, the *Narcotics Enforcement and Conspiracy Units* conducted 9 search warrants within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 11 Felony arrests
- ◆ 2 Misdemeanor arrests
- ◆ 279 Grams of cocaine, 65.4 grams of heroin, and 254,894.4 grams of marijuana - street value **\$1,248,898.00**
- ◆ \$32,312.00 U.S. currency
- ◆ 4 Handguns confiscated
- ◆ 1 Long gun confiscated

On September 24<sup>th</sup>, *The Vice Unit* conducted enforcement actions within the boundaries of the Seventh Precinct, resulting in the following arrests and citations:

- ◆ 1 Arrested for “Carrying Concealed Weapon-Person”
- ◆ 2 Arrested for “Felony Warrants”
- ◆ 6 Cited for “Engage in Illegal Occupation”
- ◆ 56 Cited for “Loiter in a Place of Illegal Occupation”
- ◆ 3 Handguns confiscated
- ◆ 20 Vehicles confiscated
- ◆ 2 Grams of cocaine, 49 grams of marijuana and 30 pills – street value **\$1,296.00**

**FIRST PRECINCT**

On September 27<sup>th</sup>, officers from the 1<sup>st</sup> Precinct were approached by two (2) females who stated they were just robbed at gunpoint, and that the man ran east on Cadillac Square towards Randolph. The officers obtained a description of the man and began searching the area. The wanted man was observed in the area of Randolph and

Fort. During the investigation, the man became irate and a brief struggle ensued, resulting in his escape on foot. After a brief foot chase, he was arrested without further incident for "Carrying Concealed Weapon-Person." Confiscated was a semi-automatic handgun.

### *Crime Statistics*

*Citywide, crime is down by 4.30%, and the violent crime reduction is 8.71%, compared to 2003. These statistics are based on Preliminary Complaint Reports.*

## **Police/Community Intervention**



### **TAKING THE GUNS OFF THE STREET !**



**Total Guns Confiscated  
Year-To-Date  
3,085**

#### THIRD PRECINCT

On September 21<sup>st</sup>, officers from the 3<sup>rd</sup> Precinct developed information regarding an armed robbery spree occurring in the 3<sup>rd</sup> Precinct. The investigation resulted in the arrest of four (4) gang members. In each robbery the subjects would drive up to the victims, exit the vehicle, produce handguns and demand the victim(s)' wallet, money, jewelry, and cell phones. These subjects are possibly connected to 30 different street robberies committed within the 3<sup>rd</sup> Precinct boundaries over the past month.

#### THE VIOLENT CRIMES TASK FORCE

The Violent Crimes Task Force Unit has identified known gang members and their involvement in approximately 40 robberies in and around the 10<sup>th</sup> Precinct area. As a result of an ongoing investigation, the Violent Crimes Task Force Unit, along with the Wayne County Prosecutors Office, have secured 10 adult warrants and 15 juvenile warrants for various key players within the gangs.

#### NINTH PRECINCT

On September 27<sup>th</sup>, officers of the 9<sup>th</sup> Precinct responded to the 19000 block of Hoover on a "Home Invasion in Progress" run. Upon arrival, the officers obtained a description of the wanted man. The officers checked the area and observed a man matching the description of the wanted man. As a result of an investigation, the man was subsequently arrested without incident. Confiscated were burglary tools. In addition, the man confessed to committing numerous other break-ins in that area.

#### TWELFTH PRECINCT

On September 23<sup>rd</sup>, officers of the 12<sup>th</sup> Precinct responded to the 18000 block of Livernois on an "Armed Robbery in progress" run at the Comerica Bank. While the officers were at the location, pertinent information was received from a man and woman via their cellular phone. They had followed the man out of the bank and relayed the man's direction of escape. The officers canvassed the area of Pennington and Thatcher and observed the man. Thanks to the assistance of our great citizens, the man was arrested without incident and the stolen money and die pack were recovered. Also, while in police custody, the man confessed to committing four (4) separate incidents of Criminal Sexual Conduct.

#### THIRTEENTH PRECINCT

On September 18<sup>th</sup>, officers of the 13<sup>th</sup> Precinct Investigative Operations Unit received a complaint from a man and a woman, who stated that they were robbed at gunpoint in the garage of their. As a result of an investigation, On September 27<sup>th</sup> the man was positively identified in a live line-up.

#### POLICE COMMUNITY SERVICES

On September 22<sup>nd</sup>, officers of the Police Community Services Unit facilitated an Eddie Eagle Gun Safety Program and a JB the Buckle Bear Program at Larned School, Located at 23700 Clarita.

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Chief of Police Ella M. Bully-Cummings

## **6. PRESENTATION – PSYCHOLOGICAL SERVICES**

Chairperson Blackwell announced that the presentation for Psychological Services has been rescheduled for November 4, 2004.

## **7. PRESENTATION/DISCUSSION OF GENERAL ORDER**

### **• TRAINING DIRECTIVE 04-4: GARRITY PROTOCOL**

Insp. Jamie Fields gave the following PowerPoint presentation:

**(See Attachment)**



### Questions & Answers

**Chairperson Blackwell** asked is compel to make a statement and compel to answer a question the same thing or two different things?

**Insp. Fields** stated it is the same thing.

**Chairperson Blackwell** asked if I am asking you a specific question under Garrity, does that mean that am I ordering you to give me an answer?

**Insp. Fields** stated correct.

**Chairperson Blackwell** asked what about if I ask you to make a statement under Garrity?

**Insp. Fields** stated it is the same thing because you are asking for information.

**Chairperson Blackwell** stated you said that you can't use it in a criminal proceeding; ultimately the criminal charges are brought by the Prosecutor anyway. He asked so what are you saying?

**Insp. Fields** stated the statement itself cannot be used in a criminal proceeding.

**Chairperson Blackwell** asked is that part of the penal criminal code, it cannot be used, that is part of law

**Insp. Fields** stated correct unless it is for impeachment purposes.

**Comm. Holley** asked is the word Garrity in the dictionary?

**Insp. Fields** stated no, you would not find it.

**Comm. Holley** asked if you are wrestling to explain it to me, is it being explained in a training manual where they understand what it does protect and what it does not protect?

**Insp. Fields** stated they will have access to the training directive, believing that their unions are well versed in Garrity Protocol. Also, before making a statement the officer would get a union representative.

**Comm. Holley** asked does this directive have anything to do with citizens?

**Insp. Fields** stated no.

**Comm. Holley** asked so this directive is just officer to officer?

**Insp. Fields** stated right. It is strictly an employment issue.

**Chairperson Blackwell** stated I don't know, that's backward because if you are asking an officer to respond to something he may have done to a citizen then the civilian has interest in what answers compel.

**Insp. Fields** stated it also has no bearing on routine reports, so if an officer responds to a homicide scene as part of his routine report he made certain reports and procedures; we don't have to order him to do that, which is a part of his job that is not covered by Garrity.

**Comm. Holley** stated but somewhere in this definition it is understood or written out that if you are lying then Garrity does not cover you.

**Insp. Fields** stated it is in the directive and it is also part of the regular rights forum.

**Comm. Holley** asked what is the Prosecution's role in this?

**Insp. Fields** stated the Prosecution's really does not have a role in this because the statement won't make it to the Prosecutor because we are saying that it can be used against them. Now, the Prosecutor will try to get access to the statement perhaps, if the officer testifies differently on the stand the statement might come out.

**Comm. Holley** asked is the statement kicked if the disposition is different from what he said on the stand?

**Insp. Fields** stated they could take the statement and use it to impeach his testimony on the stand.

**Comm. Holley** asked how many times does this need to be introduced?

**Chairperson Blackwell** stated this is being introduced for the first time.

**Exec. Dir. Goss** stated two weeks later.

**Chairperson Blackwell** asked is that a community meeting?

**Exec. Dir. Goss** stated yes.

## **8. OTHER BUSINESS**

There was no other business.

**9. ANNOUNCEMENT OF NEXT MEETING**

**Thursday, October 7, 2004 @ 3:00 p.m.**  
**Police Headquarters**  
**1300 Beaubien, Rm. 328-A**  
**Detroit, MI 48226**

**10. ORAL COMMUNICATION FROM THE AUDIENCE**

**Bonnie Mitchell** introduced her book and stated it might be helpful for the PAL Program.

**Star Ellen Carter** commended Investigator Robert D. Lee for his professionalism when her godsister was shot during the first week of this month. For the record, I am sure that the Commissioners already know that I am an Attorney of Record for the case in the Federal District Court. I have been before the Commission several times and I have asked for discovery. Now, I know that the discovery is here within the police department. She asked if I give you that name, would you release it to me?

**Chairperson Blackwell** asked are you saying the police department?

**Ms. Carter** stated the police department has this discovery.

**Chairperson Blackwell** stated we don't control the department.

**Ms. Carter** stated I am just asking because other discovery that was requested has mysteriously disappeared, it isn't there. But this has already been checked and I will keep those sources confidential, but it is here in the police department. She asked if the Board could work with the police department to make sure I get that discovery.

**Chairperson Blackwell** stated I think that is in....

**Ms. Carter** stated even under the Freedom of Information Act (FOIA), I could go through, draft it and submit it to the court, which is a long drawn out process.

**Chairperson Blackwell** asked is this an issue that we are currently investigating?

**Exec. Dir. Goss** stated no, this is something....

**Chairperson Blackwell** stated we would have no involvement because this is not an issue that the Board of Police Commissioners has received.

**Ms. Carter** asked when the police does not give you discovery then what does the Commission have to say about that?

**Chairperson Blackwell** stated the police department would give discovery to us if we were asking specifically on a case that we have been contacted by. We have not been contacted by an investigator and not being contacted on this issue.

**Ms. Carter** stated even before I went on record in the Federal District Court case and I was a member of the community and I did ask for it. She asked is there an arrest record for the discovery that was purposely withheld?

**Chairperson Blackwell** asked are you talking about a record that is under the...?

**Ms. Carter** stated it should have been included in OCI's investigation.

**Chairperson Blackwell** asked has there been an OCI investigation?

**Ms. Carter** stated it should have if they closed it, then it should be in there because it is a part of record if their investigation is complete and thorough.

**Exec. Dir. Goss** stated you said it is a court case and that you sent the information of discovery to the Law Department, so the Law Department is responsible for your case.

**Ms. Carter** stated I am saying that the Law Department asked for some re-judgment. In other words, which meant they wanted to ditch the case and that is not so.

**Exec. Dir. Goss** stated we don't have any control over the Law Department.

**Ms. Carter** stated if you have records from the OCI it should be in there because I have come before you when Chief Oliver was here.

**Exec. Dir. Goss** stated you asked for discovery and....

**Ms. Carter** asked are you saying no?

**Exec. Dir. Goss** stated I am saying that you need to discuss this issue with the Law Department because we can't give out any information on a current case.

**Ms. Carter** asked what about as a citizen of the community?

**Exec. Dir. Goss** stated because there is a current litigation, we have to go through the Law Department.

**11. ADJOURNMENT**

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**